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LETTER

TO

HIS EXCELLENCY GOVERNOR MANNING,

ON THE

BOUNDARY

BETWEEN

SOUTH-CAROLINA AND GEORGIA,

COVERING

AN OFFICE COPY

OF THE

GEORGIA CHARTER,

FROM THE

ATTORNEY GENERAL.

1728.5289  
CHARLESTON:

PRINTED BY EDWARD C. COUNCELL,

No. 119 East Bay.

1853.



1917

HIS EXCELLENCY THE GOVERNOR

BOULEVARD

THE GOVERNMENT

DEPARTMENT OF  
THE GOVERNMENT

OFFICE

GEORGIA CAPITAL

THE

MINISTRY

F866.8251

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PRINTED BY THE

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1695611

OFFICE OF THE ATTORNEY GENERAL, }  
Charleston, So. Ca., October 30th, 1853. }

To His Excellency,

JOHN L. MANNING, *Governor of South-Carolina.*

*Dear Sir:*

In the correspondence on the subject of the Boundary between the States of Georgia and South-Carolina, between the Executive of the former State and myself as Attorney General of the latter, your Excellency has observed, no doubt, that the copy of the original Charter defining the limits of the Colony of Georgia, relied on in our sister State, differs in its language from the copy of that instrument received as authentic in this State. I was myself satisfied that the two readings meant the same thing, and believed, for reasons given at large in my letter to Governor Cobb, that the language of the version used by me was the true one. As, however, His Excellency Governor Cobb had attached little importance to the difference, and exhibited great confidence in the correctness of the only accessible copy giving the Charter *in extenso*, I was induced to send to England for an Office Copy of the original Record, remaining in the Chapel of the Rolls, London; this constituting, as I conceived, the best evidence of which the case admits. Since closing the correspondence with Governor Cobb, I have received the copy, which I now forward to your Excellency. Besides the Certificate of the "Assistant Keeper of the Public Records," this copy has been carefully compared with the original, by one of competence and credit, and has attached to it his Affidavit of its correctness, the Affidavit being verified by the Lord Mayor of the City. This authenticated Office Copy of the Charter, received from London, it would be proper, I think, to lodge in the Office of the Secretary of State, among our own Archives. I have, therefore, prepared a copy of this, and have had it compared with the London Copy, by two young gentlemen in my Office, of intelligence and character, and verified by their Affidavit; and have attached thereto the usual Certificate. Though the "Copy of a Copy," no reasonable doubt can exist as to its accuracy, and I cannot doubt that it will be received in our sister State, under the circumstances, as a true Copy, *in extenso*, of the original Charter. The Copy thus prepared, I have supposed your Excellency would forward to Governor Cobb, with the request that it should be submitted, with the rest of the Correspondence, to the Legislature of Georgia.



Since the receipt of the Office Copy from the Chapel of the Rolls, London, I have discovered further evidence of the true reading of the Charter, which, in itself, would probably have been deemed conclusive.

In the book store of Mr. John Russell, of this place, my attention was called to an old, but well preserved, quarto pamphlet, prepared for the use of the Parliament of Great Britain, and printed in London in the year 1741. It is entitled "A List of Copies of Charters, from the Colonisers of *Virginia*, *Pennsylvania*, presented to the Honorable the House of Commons in Parliament of their Address to His Majesty of the 25th of April 1741" and contains the Charters of *Massachusetts*, *Pennsylvania*, *Rhode Island*, *Pennsylvania*, *Massachusetts* and *Georgia*. The whole is neatly lettered with "in f. 4." printed for the use of the Stationer, in the following years after the Royal Grant: *Massachusetts* 1620, *Pennsylvania* 1681, *Rhode Island* 1639, in all respects, with the copy just received. I have purchased this volume for the use of the State, and think it is peculiarly necessary.

Though the Charter contains three hundred and four words not to be found in the version from *Windsor*, I have not seen it, and was particularly the version, and it is altogether more correct than the version I had the honor to present, in the copy just received. The 1741 is the subject of the "Augusta Edition and Transcription of the Charter of 1733" which is entirely free from the errors and omissions of the *Windsor* version. Governor Conn. and ordered for the State, by the Hon. H. Conn. May we not hope, that the matter will be settled, and a period to have crept into the copies of the Charter, and I think the most authentic, being now corrected, all ground for further controversy is removed?

I copy below the precise language of the Charter:

"And whereas the said Corporation, intend to settle a Colony, and to make an habitation and plantation in that part of our province of South-Carolina, in America, hereinafter described: Know ye therefore, that we greatly desiring the happy success of the said Corporation, for their further encouragement in doing, and pushing so excellent a work, have of our especial grace, certain knowledge, and mere motion, given and granted, and by these presents, for us, our heirs and successors, do give and grant unto the said Corporation and their successors, under the reserve, proviso, condition and declarations hereafter expressed, seven undivided acres of land (which shall be eight equal parts to be divided) of all the lands, tenements, and houses, situate, lying and being in that part of the Province of South-Carolina in America which





has from the most northern stream of a river there commonly called the Savannah, all along the sea coast to the southward unto the most southern stream of a certain other great water or river called the Altamaha, and westward from the heads of the said rivers respectively in direct lines to the south seas, and all that space, circuit and precinct of land lying within the said boundaries, with the islands in the sea lying opposite to the eastern coast of the said lands, within twenty leagues of the same, which are not already inhabited, or settled by any authority derived from the Crown of Great Britain."

The charter, as given from Watkins' MSS only in omitting "most" under the word "southern" in regard to the Savannah, and the word "waters" immediately before the word "river" in reference to the Altamaha. The Convention of 1820 uses the word "most" before "southern."

The passage as quoted by Governor Cass is as follows:

"And whereas the said Corporation intend to settle a colony, and to make a new plantation and plantation on that part of our province of South-Carolina in America, hereafter described. Know ye that we greatly rejoice in the happy success of the said Corporation, for their farther and vigorous prosecution in accomplishing so excellent a work, have of our especial grace certain knowledge, and mere motion, given and granted, and by these presents, for us, our heirs and successors, do give and grant to the said Corporation and their successors, under the revocation, limitation, and declaration hereafter expressed, seven individual parts, the whole in eight equal parts to be divided, of all those lands, coves, and territories, situate, lying and being in that part of South-Carolina in America, which lies from the most northern HALL of stream or river there commonly called the Savannah, all along the sea coast to the southward, to the southern stream of a certain other great water or river called the Altamaha, and westward from the heads of the said rivers respectively, in direct lines to the south seas."—Staley's Digest, p. 423.

I am Sir with consideration,

Your Excellency's most obedient servant,

L. W. HAYNE.



















